

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.44838 of 2025**

Arising Out of PS. Case No.-215 Year-2024 Thana- KATHAIYA District- Muzaffarpur

1. Munita Devi W/O Surendara Mahato R/O Village- Patti Ashwari, PS- Kathaiya, District- Muzaffarpur
2. Reema Devi W/O Rajkumar Mahato R/O Village- Patti Ashwari, PS- Kathaiya, District- Muzaffarpur
3. Manju Devi @ Sanju Devi W/O Balendra Mahato R/O Village- Patti Ashwari, PS- Kathaiya, District- Muzaffarpur
4. Sharda Devi W/O Balbir Mahato R/O Village- Patti Ashwari, PS- Kathaiya, District- Muzaffarpur
5. Radhika Devi W/O Ram Pravesh Mahato @ Pardeshi Mahato R/O Village- Patti Ashwari, PS- Kathaiya, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Santosh Kumar, Advocate  
For the State : Mr. Kalyan Shankar, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

2      24-07-2025                      Heard Mr. Santosh Kumar, learned counsel for the petitioners as well as Mr. Kalyan Shankar, learned Additional Public Prosecutor for the State.

2. The petitioners are apprehending their arrest in connection with Kathaiya P.S. Case No. 215 of 2024, F.I.R. dated 01.11.2024 for the offences punishable under Sections 191(2), 191(3), 329(3), 126(2), 109, 115(2), 352, 351(2), 351(3) of the BNS, 2023.

3. According to prosecution case, all the accused persons including these petitioners are said to have assaulted the informant and some of his family members due to which they



got injured.

4. Learned counsel for the petitioners submits that petitioners have clean antecedent and they have falsely been implicated in the present case. He further submits that from a bare perusal of the F.I.R, it appears that the date of occurrence as alleged in the FIR is 12.10.2024 but the present FIR has been instituted on 01.11.2024 i.e. after the delay of about 20 days without giving any explanation of delay which suggests that afterthought, the informant has filed the present FIR against the petitioners only to falsely implicate the petitioners. He further submits that although, the petitioners are named in the FIR, but from a bare perusal of the FIR, it appears that there is no specific allegation of any assault or overt act attributed against these petitioners rather there is general and omnibus allegation against all the accused persons including these petitioners. There is case and counter case between the parties.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioners.

6. Considering the aforesaid facts and circumstances, clean antecedent of the petitioners, there is no specific allegation of any assault or overt act attributed against these petitioners



rather there is general and omnibus allegation against these petitioners and there is case and counter case between the parties, let the petitioners, above named, in the event of their arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court No. 4 of the learned S.D.J.M.(West) Muzaffarpur in connection with Kathaiya P.S. Case No. 215 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure/ 482(2) of the BNSS, 2023 and with other following conditions:-

i. Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the Court below.

ii. If the petitioners tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioners and in case at



any stage it is found that the petitioners have concealed their criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioners. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

**(Rajesh Kumar Verma, J)**

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